

AMENDED IN SENATE JUNE 6, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow —(Vice—Chair) , Dodd, Cristina Garcia, Gomez, Harper, Lopez, Medina, Salas, and Williams)

February 19, 2016

An act to amend Section 2301 of, and to amend and repeal Sections 2074.2, 2074.6, 2074.8, and 2075.5 of, the Fish and Game Code, and to amend Sections ~~5002.2~~ 5002.2, 5009.1, 5010.6, and 5080.31 of the Public Resources Code, relating to ~~state parks~~ public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Committee on Water, Parks, and Wildlife. ~~State park system.~~ *Public resources.*

(1) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under the act, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition at a meeting, as prescribed. Existing law, until January 1, 2017, establishes additional procedures for the review of a petition, including public hearings and public comment.

This bill would extend those procedures indefinitely.

(2) Existing law generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Wildlife or his or her designee to engage in various enforcement activities. Existing law provides that a person who violates or resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty, in an amount not to exceed \$1,000, that is imposed administratively by the department. Existing law exempts certain entities from enforcement activities, or from civil or criminal liability, under prescribed circumstances. These provisions are repealed on January 1, 2017.

This bill would extend these provisions to January 1, 2020.

Under existing law, a violation of these provisions is a crime. By extending the operation of these provisions, this bill would impose a state-mandated local program.

(3) Existing law authorizes the Department of Parks and Recreation to enter into an agreement to accept funds from any person, educational institution, tribal government, corporation, or other business entity or organization for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a designated state park system unit or facility, and requires that any funds so received be deposited in a separate account in the State Park Contingent Fund.

This bill would require the department, for each donation received pursuant to those provisions, to provide the donor of record a written quarterly accounting of all expenditures made from the donated funds, as specified.

(4) Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously appropriates funds in the subaccount to the Department of Parks and Recreation for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires that activities, programs, and projects funded by the subaccount include among, other things, a projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

This bill would require a projection of costs to include that information only if appropriate.

~~Existing~~

(5) *Existing* law requires that, following classification or reclassification of a unit of the state park system by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the Department of Parks and Recreation prepare a general plan or revise any existing plan for the unit in accordance with prescribed procedures.

This bill would require the department, in consultation with the commission, by July 1, 2017, to provide the Legislature with specified recommendations for improving the state park planning and approval process, as prescribed.

~~Existing~~

(6) *Existing* law requires that a general plan for a unit of the state park system that is the subject of an operating agreement specifically evaluate and define the manner in which the unit is proposed to be operated and requires that the general plan be reviewed by the ~~commission~~ *State Park and Recreation Commission* for a determination that the unit will be operated in a manner that generally meets the standards followed by the ~~department~~ *Department of Parks and Recreation* in its operation of similar units, as specified.

This bill would instead require that an operating agreement for operation of an entire park unit be consistent with the general plan for that unit of the park, if such a plan exists. The bill would require that the proposed operating agreement and general plan be reviewed by the commission for a determination that the unit will be operated in a manner that is consistent with the general plan and that generally meets standards followed by the department in its operation of similar units.

(7) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2074.2 of the Fish and Game Code, as*
2 *amended by Section 3 of Chapter 387 of the Statutes of 2013, is*
3 *amended to read:*

4 2074.2. (a) At the meeting scheduled pursuant to Section 2074,
5 the commission shall hold a public hearing on the petition and
6 shall receive information, written or otherwise, and oral testimony.
7 After the conclusion of oral testimony from the commission and
8 department staff, the petitioner, or any other persons, the
9 commission may close the public hearing and administrative record
10 for the commission's decision pursuant to this section.

11 (b) After the commission closes the public hearing, the
12 administrative record for the commission's decision is closed and
13 it shall not be reopened except as provided in subdivision (c). Once
14 the public hearing is closed, no person shall submit further
15 information to the commission for consideration on that petition
16 and the commission shall not accept any further information for
17 consideration on that petition except as provided in subdivision
18 (c).

19 (c) The administrative record for the commission's decision
20 pursuant to this section shall not be reopened once the commission
21 closes the public hearing unless one of the following occurs prior
22 to the commission's decision:

23 (1) There is a change in state or federal law or regulation that
24 has a direct and significant impact on the commission's
25 determination as to whether the petition provides sufficient
26 information to indicate that the petitioned action may be warranted.

27 (2) The commission determines that it requires further
28 information to evaluate whether the petition provides sufficient
29 information to indicate that the petitioned action may be warranted.
30 If the commission makes that determination during its deliberation,
31 the commission may request, on the record at the scheduled
32 meeting or at a continued meeting, further information on any
33 issue relevant to making its determination as to whether the petition
34 provides sufficient information to indicate that the petitioned action
35 may be warranted. Any request by the commission pursuant to
36 this paragraph shall specify a date by which the information must
37 be submitted to the commission and shall serve to reopen the
38 administrative record for the limited purpose of receiving further

1 information relating to the issues specified by the commission in
2 the request. Commission and department staff, the petitioner, or
3 any other person may submit information in response to a request
4 pursuant to this paragraph. If the commission reopens the record
5 pursuant to this paragraph, it shall provide an opportunity for public
6 comment on the submitted information prior to the issuance of its
7 decision.

8 (d) In its discretion, the commission may either close the public
9 hearing and continue the meeting on the petition for the purpose
10 of deliberation or continue both the public hearing and the meeting
11 on the petition to a subsequent date, which shall be no later than
12 90 days after the meeting scheduled pursuant to Section 2074, and
13 subject to applicable notice and agenda requirements. If the
14 commission closes the public hearing but continues the meeting
15 for the purpose of deliberation, a person shall not submit, and the
16 commission shall not receive, further information relating to the
17 petition except as provided in subdivision (c).

18 (e) At the meeting scheduled pursuant to Section 2074 or at a
19 continued meeting scheduled pursuant to subdivision (d), the
20 commission shall consider the petition, the department's written
21 report, written comments received, and oral testimony provided
22 during the public hearing, and the commission shall make and
23 enter in its record one of the following findings:

24 (1) If the commission finds that the petition does not provide
25 sufficient information to indicate that the petitioned action may
26 be warranted, the commission shall publish a notice of finding that
27 the petition is rejected, including the reasons why the petition is
28 not sufficient.

29 (2) If the commission finds that the petition provides sufficient
30 information to indicate that the petitioned action may be warranted,
31 the commission shall publish a notice of finding that the petition
32 is accepted for consideration. If the accepted petition recommends
33 the addition of a species to either the list of endangered species or
34 the list of threatened species, the commission shall include in the
35 notice that the petitioned species is a candidate species. The
36 commission shall maintain a list of species which are candidate
37 species.

38 (f) The commission shall publish and distribute the findings
39 relating to the petition pursuant to Section 2078.

1 ~~(g) This section shall remain in effect only until January 1, 2017,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2017, deletes or extends that date.~~

4 ~~SEC. 2. Section 2074.2 of the Fish and Game Code, as added~~
5 ~~by Section 4 of Chapter 387 of the Statutes of 2013, is repealed.~~

6 ~~2074.2. (a) At the scheduled meeting, the commission shall~~
7 ~~consider the petition, the department's written report, and~~
8 ~~comments received, and the commission shall make and enter in~~
9 ~~its public record one of the following findings:~~

10 ~~(1) If the commission finds that the petition does not provide~~
11 ~~sufficient information to indicate that the petitioned action may~~
12 ~~be warranted, the commission shall publish a notice of finding that~~
13 ~~the petition is rejected, including the reasons why the petition is~~
14 ~~not sufficient.~~

15 ~~(2) If the commission finds that the petition provides sufficient~~
16 ~~information to indicate that the petitioned action may be warranted,~~
17 ~~the commission shall publish a notice of finding that the petition~~
18 ~~is accepted for consideration. If the accepted petition recommends~~
19 ~~the addition of a species to either the list of endangered species or~~
20 ~~the list of threatened species, the commission shall include in the~~
21 ~~notice that the petitioned species is a candidate species. The~~
22 ~~commission shall maintain a list of species which are candidate~~
23 ~~species.~~

24 ~~(b) The commission shall publish and distribute the findings~~
25 ~~relating to the petition pursuant to Section 2078.~~

26 ~~(c) This section shall become operative on January 1, 2017.~~

27 ~~SEC. 3. Section 2074.6 of the Fish and Game Code, as amended~~
28 ~~by Section 5 of Chapter 387 of the Statutes of 2013, is amended~~
29 ~~to read:~~

30 ~~2074.6. (a) The department shall promptly commence a review~~
31 ~~of the status of the species concerned in the petition. Within 12~~
32 ~~months of the date of publication of a notice of acceptance of a~~
33 ~~petition for consideration pursuant to paragraph (2) of subdivision~~
34 ~~(e) of Section 2074.2, the department shall produce and make~~
35 ~~publicly available on the department's Internet Web site a final~~
36 ~~written peer reviewed report, based upon the best scientific~~
37 ~~information available to the department, which indicates whether~~
38 ~~the petitioned action is warranted, which includes a preliminary~~
39 ~~identification of the habitat that may be essential to the continued~~
40 ~~existence of the species, and which recommends management~~

1 activities and other recommendations for recovery of the species.
2 Prior to releasing the final written report, the department shall have
3 a draft status review report prepared and independently peer
4 reviewed, and upon receiving the peer reviewers' input, shall
5 evaluate and respond in writing to the independent peer review
6 and shall amend the draft status review report as appropriate. The
7 revised report shall be posted on the department's Internet Web
8 site for a minimum of 30 days for public review prior to the hearing
9 scheduled pursuant to Section 2075. The commission may grant
10 an extension of up to six months if the director determines an
11 extension is necessary to complete independent peer review of the
12 report, and to provide a minimum of 30 days for public review of
13 the peer reviewed report prior to the public hearing specified in
14 Section 2075.

15 ~~(b) This section shall remain in effect only until January 1, 2017,~~
16 ~~and as of that date is repealed, unless a later enacted statute, that~~
17 ~~is enacted before January 1, 2017, deletes or extends that date.~~

18 *SEC. 4. Section 2074.6 of the Fish and Game Code, as added*
19 *by Section 6 of Chapter 387 of the Statutes of 2013, is repealed.*

20 ~~2074.6. (a) The department shall promptly commence a review~~
21 ~~of the status of the species concerned in the petition. Within 12~~
22 ~~months of the date of publication of a notice of acceptance of a~~
23 ~~petition for consideration by the commission pursuant to paragraph~~
24 ~~(2) of subdivision (a) of Section 2074.2, the department shall~~
25 ~~provide a written report to the commission, based upon the best~~
26 ~~scientific information available to the department, which indicates~~
27 ~~whether the petitioned action is warranted, which includes a~~
28 ~~preliminary identification of the habitat that may be essential to~~
29 ~~the continued existence of the species, and which recommends~~
30 ~~management activities and other recommendations for recovery~~
31 ~~of the species.~~

32 ~~(b) This section shall become operative on January 1, 2017.~~

33 *SEC. 5. Section 2074.8 of the Fish and Game Code, as amended*
34 *by Section 7 of Chapter 387 of the Statutes of 2013, is amended*
35 *to read:*

36 ~~2074.8. (a) This article does not impose any duty or obligation~~
37 ~~for, or otherwise require, the commission or the department to~~
38 ~~undertake independent studies or other assessments of any species~~
39 ~~when reviewing a petition and its attendant documents and~~
40 ~~comments. However, the department shall seek independent~~

1 scientific peer review of the department's status report. The director
2 may approve an extension of time for completion of the status
3 report if necessary for the purposes of obtaining independent peer
4 review pursuant to Section 2074.6.

5 ~~(b) This section shall remain in effect only until January 1, 2017,~~
6 ~~and as of that date is repealed, unless a later enacted statute, that~~
7 ~~is enacted before January 1, 2017, deletes or extends that date.~~

8 *SEC. 6. Section 2074.8 of the Fish and Game Code, as added*
9 *by Section 8 of Chapter 387 of the Statutes of 2013, is repealed.*

10 ~~2074.8. (a) This article does not impose any duty or obligation~~
11 ~~for, or otherwise require, the commission or the department to~~
12 ~~undertake independent studies or other assessments of any species~~
13 ~~when reviewing a petition and its attendant documents and~~
14 ~~comments.~~

15 ~~(b) This section shall become operative on January 1, 2017.~~

16 *SEC. 7. Section 2075.5 of the Fish and Game Code, as amended*
17 *by Section 9 of Chapter 387 of the Statutes of 2013, is amended*
18 *to read:*

19 2075.5. (a) At the meeting scheduled pursuant to Section 2075,
20 the commission shall hold a public hearing on the petition and
21 shall receive information, written or otherwise, and oral testimony.
22 After the conclusion of oral testimony from department staff, the
23 petitioner, or any other persons, the commission may close the
24 public hearing and the administrative record for the department's
25 decision pursuant to this section.

26 (b) After the commission closes the public hearing the
27 administrative record for the commission's decision is closed and
28 it shall not be reopened except as provided in subdivision (c). Once
29 the public hearing is closed a person shall not submit further
30 information to the department for consideration on that petition
31 and the commission shall not accept any further information for
32 consideration on that petition except as provided in subdivision
33 (c).

34 (c) The administrative record for the commission's decision
35 pursuant to this section shall not be reopened once the department
36 closes the public hearing unless one of the following occurs prior
37 to the commission's decision:

38 (1) There is a change in state or federal law or regulation that
39 has a direct and significant impact on the commission's
40 determination as to whether the petitioned action is warranted.

1 (2) The commission determines that it requires further
2 information to evaluate whether the petitioned action is warranted.
3 If the commission makes that determination during its deliberation,
4 the commission may request, on the record at the scheduled
5 meeting or at a continued meeting, further information on any
6 issue relevant to making its determination as to whether the
7 petitioned action is warranted. Any request by the commission
8 pursuant to this paragraph shall specify a date by which the
9 information must be submitted to the commission and shall serve
10 to reopen the administrative record for the limited purpose of
11 receiving further information relating to the issues specified by
12 the commission in the request. Commission and department staff,
13 the petitioner, or any other person may submit information in
14 response to a request pursuant to this paragraph.

15 (d) The commission, in its discretion, may either close the public
16 hearing and continue the meeting on the petition for the purpose
17 of deliberation or continue both the public hearing and the meeting
18 on the petition to a subsequent date which is no later than 90 days
19 after the meeting scheduled pursuant to Section 2075, and subject
20 to applicable notice and agenda requirements. If the commission
21 closes the public hearing but continues the meeting for the purpose
22 of deliberation, a person shall not submit, and the commission
23 shall not receive, further information relating to the petition except
24 as provided in subdivision (c).

25 (e) At the meeting scheduled pursuant to Section 2075, or at a
26 continued meeting scheduled pursuant to subdivision (d), the
27 commission shall make one of the following findings:

28 (1) The petitioned action is not warranted, in which case the
29 finding shall be entered in the public records of the commission
30 and the petitioned species shall be removed from the list of
31 candidate species maintained pursuant to Section 2074.2.

32 (2) The petitioned action is warranted, in which case the
33 commission shall publish a notice of that finding and a notice of
34 proposed rulemaking pursuant to Section 11346.4 of the
35 Government Code, to add the species to, or remove the species
36 from, the list of endangered species or the list of threatened species.
37 Further proceedings of the commission on the petitioned action
38 shall be made in accordance with Chapter 3.5 (commencing with
39 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
40 Code.

~~(f) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~

~~SEC. 8. Section 2075.5 of the Fish and Game Code, as added by Section 10 of Chapter 387 of the Statutes of 2013, is repealed.~~

~~2075.5. (a) At the meeting scheduled pursuant to Section 2075, the commission shall make one of the following findings:~~

~~(1) The petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned species shall be removed from the list of candidate species maintained pursuant to Section 2074.2.~~

~~(2) The petitioned action is warranted, in which case the commission shall publish a notice of that finding and a notice of proposed rulemaking pursuant to Section 11346.4 of the Government Code to add the species to, or remove the species from, the list of endangered species or the list of threatened species. Further proceedings of the commission on the petitioned action shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(b) This section shall become operative on January 1, 2017.~~

~~SEC. 9. Section 2301 of the Fish and Game Code is amended to read:~~

~~2301. (a) (1) Except as authorized by the department, a person shall not possess, import, ship, or transport in the state, or place, plant, or cause to be placed or planted in any water within the state, dreissenid mussels.~~

~~(2) The director or his or her designee may do all of the following:~~

~~(A) Conduct inspections of conveyances, which include vehicles, boats and other watercraft, containers, and trailers, that may carry or contain adult or larval dreissenid mussels. Included as part of this authority to conduct inspections is the authority to temporarily stop conveyances that may carry or contain adult or larval dreissenid mussels on any roadway or waterway in order to conduct inspections.~~

~~(B) Order that areas in a conveyance that contain water be drained, dried, or decontaminated pursuant to procedures approved by the department.~~

1 (C) Impound or quarantine conveyances in locations designated
2 by the department for up to five days or the period of time
3 necessary to ensure that dreissenid mussels can no longer live on
4 or in the conveyance.

5 (D) (i) Conduct inspections of waters of the state and facilities
6 located within waters of the state that may contain dreissenid
7 mussels. If dreissenid mussels are detected or may be present, the
8 director or his or her designee may order the affected waters or
9 facilities closed to conveyances or otherwise restrict access to the
10 affected waters or facilities, and shall order that conveyances
11 removed from, or introduced to, the affected waters or facilities
12 be inspected, quarantined, or disinfected in a manner and for a
13 duration necessary to detect and prevent the spread of dreissenid
14 mussels within the state.

15 (ii) For the purpose of implementing clause (i), the director or
16 his or her designee shall order the closure or quarantine of, or
17 restrict access to, these waters, areas, or facilities in a manner and
18 duration necessary to detect and prevent the spread of dreissenid
19 mussels within the state. No closure, quarantine, or restriction shall
20 be authorized by the director or his or her designee without the
21 concurrence of the Secretary of the Natural Resources Agency. If
22 a closure lasts longer than seven days, the department shall update
23 the operator of the affected facility every 10 days on efforts to
24 address the dreissenid infestation. The department shall provide
25 these updates in writing and also post these updates on the
26 department's Internet Web site in an easily accessible manner.

27 (iii) The department shall develop procedures to ensure proper
28 notification of affected local and federal agencies, and, as
29 appropriate, the Department of Water Resources, the Department
30 of Parks and Recreation, and the State Lands Commission in the
31 event of a decision to close, quarantine, or restrict a facility
32 pursuant to this paragraph. These procedures shall include the
33 reasons for the closure, quarantine, or restriction, and methods for
34 providing updated information to those affected. These procedures
35 shall also include protocols for the posting of the notifications on
36 the department's Internet Web site required by clause (ii).

37 (iv) When deciding the scope, duration, level, and type of
38 restrictions, and specific location of a closure or quarantine, the
39 director shall consult with the agency, entity, owner, or operator
40 with jurisdiction, control, or management responsibility over the

1 marina, boat launch facility, or other facility, in order to focus the
2 closure or quarantine to specific areas and facilities so as to avoid
3 or minimize disruption of economic or recreational activity in the
4 vicinity.

5 (b) (1) Upon a determination by the director that it would further
6 the purposes of this section, other state agencies, including, but
7 not limited to, the Department of Parks and Recreation, the
8 Department of Water Resources, the Department of Food and
9 Agriculture, and the State Lands Commission, may exercise the
10 authority granted to the department in subdivision (a).

11 (2) A determination made pursuant to paragraph (1) shall be in
12 writing and shall remain in effect until withdrawn, in writing, by
13 the director.

14 (c) (1) Except as provided in paragraph (2), Division 13
15 (commencing with Section 21000) of the Public Resources Code
16 does not apply to the implementation of this section.

17 (2) An action undertaken pursuant to subparagraph (B) of
18 paragraph (2) of subdivision (a) involving the use of chemicals
19 other than salt or hot water to decontaminate a conveyance or a
20 facility is subject to Division 13 (commencing with Section 21000)
21 of the Public Resources Code.

22 (d) (1) A public or private agency that operates a water supply
23 system shall cooperate with the department to implement measures
24 to avoid infestation by dreissenid mussels and to control or
25 eradicate any infestation that may occur in a water supply system.
26 If dreissenid mussels are detected, the operator of the water supply
27 system, in cooperation with the department, shall prepare and
28 implement a plan to control or eradicate dreissenid mussels within
29 the system. The approved plan shall contain the following
30 minimum elements:

31 (A) Methods for delineation of infestation, including both adult
32 mussels and veligers.

33 (B) Methods for control or eradication of adult mussels and
34 decontamination of water containing larval mussels.

35 (C) A systematic monitoring program to determine any changes
36 in conditions.

37 (D) The requirement that the operator of the water supply system
38 permit inspections by the department as well as cooperate with the
39 department to update or revise control or eradication measures in

1 the approved plan to address scientific advances in the methods
2 of controlling or eradicating mussels and veligers.

3 (2) If the operator of water delivery and storage facilities for
4 public water supply purposes has prepared, initiated, and is in
5 compliance with all the elements of an approved plan to control
6 or eradicate dreissenid mussels in accordance with paragraph (1),
7 the requirements of subdivision (a) do not apply to the operation
8 of those water delivery and storage facilities, and the operator is
9 not subject to any civil or criminal liability for the introduction of
10 dreissenid mussel species as a result of those operations. The
11 department may require the operator of a facility to update its plan,
12 and if the plan is not updated or revised as described in
13 subparagraph (D) of paragraph (1), subdivision (a) shall apply to
14 the operation of the water delivery and storage facilities covered
15 by the plan until the operator updates or revises the plan and
16 initiates and complies with all of the elements of the updated or
17 revised plan.

18 (e) Any entity that discovers dreissenid mussels within this state
19 shall immediately report the discovery to the department.

20 (f) (1) In addition to any other penalty provided by law, any
21 person who violates this section, violates any verbal or written
22 order or regulation adopted pursuant to this section, or who resists,
23 delays, obstructs, or interferes with the implementation of this
24 section, is subject to a penalty, in an amount not to exceed one
25 thousand dollars (\$1,000), that is imposed administratively by the
26 department.

27 (2) A penalty shall not be imposed pursuant to paragraph (1)
28 unless the department has adopted regulations specifying the
29 amount of the penalty and the procedure for imposing and
30 appealing the penalty.

31 (g) The department may adopt regulations to carry out this
32 section.

33 (h) Pursuant to Section 818.4 of the Government Code, the
34 department and any other state agency exercising authority under
35 this section shall not be liable with regard to any determination or
36 authorization made pursuant to this section.

37 (i) This section shall remain in effect only until January 1, ~~2017~~,
38 2020, and as of that date is repealed, unless a later enacted statute,
39 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
40 that date.

1 ~~SECTION 1.~~

2 ~~SEC. 10.~~ Section 5002.2 of the Public Resources Code is
3 amended to read:

4 5002.2. (a) (1) Following classification or reclassification of
5 a unit by the State Park and Recreation Commission, and prior to
6 the development of any new facilities in any previously classified
7 unit, the department shall prepare a general plan or revise any
8 existing ~~plan~~, *plan* for the unit.

9 (2) The general plan shall consist of elements that will evaluate
10 and define the proposed land uses, facilities, concessions, operation
11 of the unit, any environmental impacts, and the management of
12 resources, and shall serve as a guide for the future development,
13 management, and operation of the unit.

14 (3) The general plan constitutes a report on a project for the
15 purposes of Section 21100. The general plan for a unit shall be
16 submitted by the department to the State Park and Recreation
17 Commission for approval.

18 (b) The resource element of the general plan shall evaluate the
19 unit as a constituent of an ecological region and as a distinct
20 ecological entity, based upon historical and ecological research of
21 plant-animal and soil-geological relationships and shall contain a
22 declaration of purpose, setting forth specific long-range
23 management objectives for the unit consistent with the unit's
24 classification pursuant to Article 1.7 (commencing with Section
25 5019.50), and a declaration of resource management policy, setting
26 forth the precise actions and limitations required for the
27 achievement of the objectives established in the declaration of
28 purpose.

29 (c) Notwithstanding subdivision (a), the department is not
30 required to prepare a general plan for a unit that has no general
31 plan or to revise an existing plan if the only development
32 contemplated by the department consists of the repair, replacement,
33 or rehabilitation of an existing facility; the construction of a
34 temporary facility, if the construction does not result in the
35 permanent commitment of a resource of the unit; any undertaking
36 necessary for the protection of public health or safety; or any
37 emergency measure necessary for the immediate protection of
38 natural or cultural resources; or any combination of these activities
39 at a single unit. Any development is subject to the requirements

1 of the California Environmental Quality Act (Division 13
2 (commencing with Section 21000)).

3 (d) Notwithstanding subdivision (a), the department is not
4 required to prepare a general plan or revise an existing plan for a
5 unit to which new development is necessary to comply with public
6 service delivery obligations, operational or code compliance
7 upgrades, or resource preservation requirements that are compatible
8 with the classification of the unit. The department may instead
9 prepare a management or development plan with appropriate
10 environmental review and analysis.

11 (e) Consistent with good planning and sound resource
12 management, the department shall, in discharging its
13 responsibilities under this section, attempt to make units of the
14 state park system accessible and usable by the general public at
15 the earliest opportunity.

16 (f) The department may prepare a general plan that includes
17 more than one unit of the state park system for units that are in
18 close proximity to one another and that have similar resources and
19 recreational opportunities if that action will facilitate the protection
20 of public resources and public access to units of the state park
21 system.

22 (g) The department, in consultation with the State Park and
23 Recreation Commission, by July 1, 2017, shall provide the
24 Legislature with recommendations for improving the state park
25 planning and approval process that will do all of the following:

26 (1) Provide for more efficient and cost-effective development,
27 approval, and timely updates of park unit general plans, including
28 through the use of multi-unit general plans where appropriate.

29 (2) Facilitate clear guidance for management direction of the
30 relevant park units.

31 (3) Provide for meaningful public participation in the
32 development and update of park general plans and related planning
33 documents.

34 (4) Reduce redundant reviews carried out pursuant to the
35 California Environmental Quality Act (Division 13 (commencing
36 with Section 21000)) and other applicable statutes.

37 (5) Enable the department to substantially reduce, by 2020, the
38 current backlog of plans to be developed for parks that currently
39 lack a general plan or that have an existing plan that is more than

1 15 years old and requires significant revision to address pressing
2 public access and resource management issues.

3 *SEC. 11. Section 5009.1 of the Public Resources Code is*
4 *amended to read:*

5 5009.1. (a) (1) The department may enter into an agreement
6 to accept funds from any person, educational institution, tribal
7 government, corporation or other business entity, or organization
8 for the maintenance, operation, restoration, repair, development,
9 improvement, or enhancement of a designated state park system
10 unit or facility, or for research, educational, interpretive,
11 recreational, or visitor services provided on or for a designated
12 state park system unit or facility. Any funds so received shall be
13 deposited in a separate account in the State Park Contingent Fund.
14 The funds received shall supplement, but not replace, existing
15 resources for the maintenance, operation, restoration, repair,
16 development, improvement, or enhancement of the unit or facility,
17 or for establishing or enhancing park services provided to visitors.
18 The department and the sponsoring or donating person, entity,
19 government, or organization shall specify in the agreement the
20 level of service that is to be performed.

21 (2) *For each donation received and deposited into a separate*
22 *account in the State Park Contingent Fund pursuant to paragraph*
23 *(1), the department shall provide the donor of record a written*
24 *quarterly accounting of all expenditures made from the donated*
25 *funds until all of the donated funds have been expended.*

26 (b) The department may enter into an agreement to accept from
27 any person, educational institution, tribal government, corporation
28 or other business entity, or organization services for the cleanup,
29 repair, development, improvement, restoration, or enhancement
30 of any designated state park system unit or facility, or for research,
31 educational, interpretive, recreational, or visitor services provided
32 on or for a state park system unit or facility. Under the direction
33 of the department, these services shall supplement, but not replace,
34 existing staff resources for the purpose of enhancing the
35 maintenance and operation of the unit or facility or for establishing
36 or enhancing park services provided to visitors.

37 (c) The director may authorize the erection of an appropriate
38 sign in recognition of a donation or sponsorship provided in
39 accordance with this section, consistent with existing law and with

1 the rules and regulations of the department regarding signs in units
2 of the state park system.

3 (d) The department may provide free or reduced-cost access to,
4 and use of, park facilities to entities that have entered into
5 agreements as described in this section, if the public benefit to be
6 provided pursuant to the agreement exceeds or is of comparable
7 value, as determined by the department, to the access to or use of
8 park facilities granted.

9 *SEC. 12. Section 5010.6 of the Public Resources Code is*
10 *amended to read:*

11 5010.6. (a) For purposes of this section, “subaccount” means
12 the State Parks Revenue Incentive Subaccount created pursuant
13 to this section.

14 (b) The State Parks Revenue Incentive Subaccount is hereby
15 created within the State Parks and Recreation Fund and the
16 Controller shall annually transfer four million three hundred forty
17 thousand dollars (\$4,340,000) from the State Parks and Recreation
18 Fund to the subaccount.

19 (c) Notwithstanding Section 13340 of the Government Code,
20 the funds in the subaccount are hereby continuously appropriated
21 to the department for activities, programs, and projects, including,
22 but not limited to, capital outlay projects, that are consistent with
23 the mission of the department and that increase the department’s
24 capacity to generate revenue and to implement the revenue
25 generation program developed pursuant to Section 5010.7.
26 Expenditures from the subaccount may include expenditures for
27 staffing entry points, including department employees, seasonal
28 employees, state and local conservation corps, individuals qualified
29 pursuant to Chapter 0908 of the Department Operations Manual,
30 and employees of organizations with agreements with state parks
31 pursuant to Sections 513, 5009.1, 5009.3, and 5080. Activities,
32 programs, and projects funded by the subaccount shall each include
33 all of the following:

34 (1) A clear description of the proposed use of funds.

35 (2) A timeframe for implementation of the activity, program,
36 or project.

37 (3) A projection of revenues, including annual income, fees,
38 and projected usage rates.

1 (4) A projection of costs, ~~including~~ *including, if appropriate,*
2 design, planning, construction, operation, staff, maintenance,
3 marketing, and information technology.

4 (5) A market analysis demonstrating demand for the activity,
5 project, or program.

6 (6) A projected rate of return on the investment.

7 (d) The Office of State Audits and Evaluations shall review the
8 activities, programs, and projects funded from the subaccount
9 pursuant to subdivision (c) to ensure appropriate internal controls
10 are in place. The department shall reimburse the Office of State
11 Audits and Evaluations from the subaccount for any costs related
12 to the review.

13 (e) The revenue generated from activities, programs, and projects
14 funded by the subaccount are continuously appropriated for
15 expenditure by the department pursuant to subdivisions (c) and
16 (d) of Section 5010.7.

17 (f) The funds in the subaccount shall be available for
18 encumbrance and expenditure until June 30, 2019, and for
19 liquidation until June 30, 2021.

20 (g) This section shall become inoperative on June 30, 2021,
21 and, as of January 1, 2022, is repealed, unless a later enacted
22 statute, that becomes operative on or before January 1, 2022,
23 deletes or extends the dates on which it becomes inoperative and
24 is repealed.

25 ~~SEC. 2.~~

26 *SEC. 13.* Section 5080.31 of the Public Resources Code is
27 amended to read:

28 5080.31. (a) An operating agreement for the operation of an
29 entire park that is entered into pursuant to this article shall be
30 consistent with the general plan for that unit of the park system,
31 if such a plan exists. The proposed operating agreement and general
32 plan shall be reviewed by the commission for a determination that
33 the unit will be operated in a manner that is consistent with the
34 general plan and generally meets the standards followed by the
35 department in its operation of similar units, that enhances the
36 general public use and enjoyment of, and recreational and
37 educational experiences at, the unit, and that provides for the
38 satisfactory management of park resources.

39 (b) The general plan for a unit that is the subject of an agreement
40 entered into pursuant to this article may be prepared either by the

1 department or by the public agency that is to operate the unit
2 pursuant to the agreement.

3 *SEC. 14. No reimbursement is required by this act pursuant*
4 *to Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*